

problems, there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

All comments, submissions and background documents are available for inspection and copying at the OSHA Docket Office at the above address. Comments and submissions posted on OSHA's Web page are available at <http://www.OSHA.gov>. Contact the OSHA Docket Office for information about materials not available through the OSHA Web page and for assistance using the Web page to locate docket submissions.

Electronic copies of the **Federal Register** notice as well as other relevant documents are available on OSHA's Web page.

## II. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

Paragraph (a)(11) of OSHA's Cranes and Derricks Standard for Construction (§ 1926.550) addresses conditions in which a crane or derrick powered by an internal-combustion engine is exhausting in an enclosed space that employees occupy or will occupy. Under these conditions, employers must record tests made of the breathing air in the space to ensure that adequate oxygen is available and that concentrations of toxic gases are at safe levels.

Establishing a test record allows employers to document oxygen levels and specific atmospheric contaminants, ascertain the effectiveness of controls,

implement additional controls if necessary, and readily provide this information to other crews and shifts who may work in the enclosed space. Accordingly, employers will prevent serious injury and death to equipment operators and other employees who use or work near this equipment in an enclosed space. In addition, these records provide the most efficient means of an OSHA compliance officer to determine that an employer performed the required tests and implemented appropriate controls.

## III. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The equality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

## IV. Proposed Actions

OSHA is proposing to extend the information collection requirements specified by paragraph (a)(11) of § 1926.550. The Agency will summarize the comments submitted in response to this notice and will include this summary in its request to OMB to extend the approval of these information collection requirements contained in the Standard.

*Type of Review:* Extension of currently approved information collection requirements.

*Time:* Cranes and Derricks Standards for Construction; Recording Tests for Toxic Gases and Oxygen-Deficient Atmospheres in Enclosed Spaces (29 CFR 1926.550).

*OMB Number:* 1218-0054.

*Affected Public:* Business or other for-profit; not-for-profit institutions; Federal government; State, local, or Tribal governments.

*Number of Respondents:* 50 (enclosed spaces).

*Frequency of Response:* On occasion.

*Total Responses:* 50.

*Average Time per Response:* Two minutes (0.3 hour) to perform atmosphere testing and record the results.

*Estimated Total Burden Hours:* 99 hours.

*Estimated Cost. (Operation and Maintenance):* \$9,000.

## V. Authority and Signature

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*), and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

Dated: Signed at Washington, DC on September 17, 2004.

**John L. Henshaw,**

*Assistant Secretary of Labor.*

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## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### Sunshine Act; Meeting

September 16, 2004.

**TIME AND DATE:** 10 a.m., Thursday, September 23, 2004.

**PLACE:** The Richard V. Backley Hearing Room, 9th Floor, 601 New Jersey Avenue, NW., Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following in open session:

*Secretary of Labor v. U.S. Steel Mining Co.*, Docket No. SE 2002-126. (Issues include whether the judge properly concluded that the operator violated 30 CFR 77.404(a), which requires equipment to be maintained in safe operating condition.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs, subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

**CONTACT PERSON FOR MORE INFO:** Jean Ellen, (202) 434-9950 / (202) 708-9300 for TDD Relay / 1-800-877-8339 for toll free.

**Jean H. Ellen,**

*Chief Docket Clerk.*

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## OFFICE OF NATIONAL DRUG CONTROL POLICY

### Meeting of the Drug Control Research, Data, and Evaluation Advisory Committee

**AGENCY:** Office of National Drug Control Policy.